

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	<b>Aubrey L. Helms Jr. et al.</b>	Confirmation No.:	<b>9309</b>
Serial No.:	<b>10/519,331</b>	Art Unit:	<b>1792</b>
Filed:	<b>April 18, 2005</b>	Examiner:	<b>Stouffer, Kelly M.</b>
For:	<b><i>Method for Energy-Assisted Atomic Layer Deposition and Removal</i></b>	Attorney Docket No:	<b>067538-5148-US01</b>

ASSERTION OF SMALL ENTITY STATUS UNDER 37 C.F.R. § 1.27(c)

Mail Stop 16  
Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

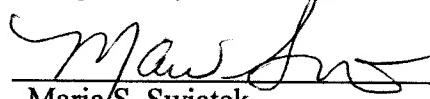
Dear Commissioner:

The Assignee of above application hereby asserts small entity status in accordance with 37 C.F.R. § 1.27(c). Applicants are, therefore, entitled to pay reduced fees in connection with this application. A Verified Statement (Declaration) Claiming Small Entity Status is enclosed herewith.

No fees are believed due with this paper, however the Commissioner is authorized to charge any fees due or credit any refund to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (order no. 067538-5148-US01).

Date: May 11, 2009

Respectfully submitted,

  
Maria S. Swiatek 37,244  
(Reg. No.)  
**Customer No.: 24341**  
**MORGAN, LEWIS & BOCKIUS LLP**  
2 Palo Alto Square  
3000 El Camino Real, Suite 700  
Palo Alto, California 94306  
Ph. (650) 843-4000  
Fax (650) 843-4001

Attorney Docket No.: 067538-5172-US  
067538-5019-US  
067538-5025-US  
067538-5198-US

## VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am:

the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below.

Name of Small Business Concern: AVIZA TECHNOLOGY, INC.  
Address of Small Business Concern: 440 Kings Village Road  
Scotts Valley, CA 95066

I hereby declare, for purposes of paying small entity fees to the United States Patent and Trademark Office, that the number of employees of the above-identified business concern and its affiliates, as of November 21, 2008, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention(s) described by the Small Entity Assertion (entitled Assertion of Small Entity Status Under 37 C.F.R. § 1.27(c)) submitted with this declaration.

I acknowledge the duty to notify the United States Patent Office of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: John MacNeil Ph. D.  
Title of Person if Other than Owner: Executive Vice President and Chief Technology Officer  
Address of Person Signing: AVIZA TECHNOLOGY, INC.  
440 Kings Village Road  
Scotts Valley, CA 95066

Signature J. MacNeil

Date

23<sup>rd</sup> FEBRUARY 2009